

California Regional Water Quality Control Board
Santa Ana Region

March 4, 2005

ITEM: 23

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

Pursuant to Section 13267 of the California Water Code, the Executive Officer has issued a total of twenty-two Investigation Orders to suspected dischargers and property owners and, pursuant to Section 13304 of the California Water Code, the Board issued two Cleanup and Abatement Orders to four dischargers and property owners.

Identified below is a summary of activities that have occurred since the last Board meeting:

Pyro Spectaculars, Inc. (Pyro), Whittaker Corporation (Whittaker) and Thomas O. Peters/Thomas O. Peters Revocable Trust (Peters) - Cleanup and Abatement Order (CAO) No. R8-2004-0042

On February 1, 2005, the Assistant Executive Officer sent letters to Whittaker, Pyro and Thomas O. Peters, providing comments on Whittaker and Pyro's recently submitted investigation reports, and requiring additional work to be performed. Based on the detection of perchlorate in Whittaker's shallow soil investigation, Whittaker was required to conduct a deeper soil investigation. Based on the detection of perchlorate in Pyro's deeper soil investigation, Pyro and Thomas O. Peters were required to install groundwater monitoring wells. Whittaker, Pyro and Thomas O. Peters were required to submit work plans for this additional work by March 7, 2005. In a letter dated February 11, 2005, the attorney for Thomas O. Peters requested that submittal of a work plan for groundwater monitoring wells be deferred until Whittaker completes their soil investigation so that installation of monitoring wells can be coordinated with Whittaker in the event that Whittaker is also required to install monitoring wells. Board staff is currently evaluating this request.

Pyro Spectaculars, Inc. (Pyro)

Pyro completed its recent investigation of its former burn pit site (not located on the 5-acre property and not subject to the CAO) in January 2005. The investigation report is expected to be submitted in early March.

County of San Bernardino - CAO No. R8-2003-0013

In September 2004, the County submitted a Draft Interim Remedial Investigation/Feasibility Study (RI/FS) and Draft Interim Remedial Action Plan (RAP) to address providing replacement water for Rialto Well No. 3, and solicited public comments on the remedial action alternatives. The Draft Interim RI/FS also served as the final report for the County's most recent phase of their groundwater investigation (required by the CAO), which was due by September 13, 2004. In January 2005, the County provided responses to the public comments and submitted a revised Draft Interim Remedial Investigation/Feasibility Study (RI/FS) and revised Draft Interim Remedial Action Plan (RAP). Board staff reviewed the revised draft RI/FS and revised draft RAP and has had several discussions with the County regarding installing more monitoring wells than the County proposed and modifying the design of the proposed wells. The County has submitted several letter reports (addenda) to address these concerns, and the Executive Officer anticipates providing approval of the County's revised draft RI/FS and revised draft RAP, as modified by the addenda, in mid-February. Since the County will not have their proposed groundwater extraction and treatment system in operation by the CAO deadline of April 1, 2005 for providing replacement water for the City of Rialto, the County will purchase replacement water for the City of Rialto until the system is in operation (expected in mid-2005).

Goodrich Corporation

Goodrich completed four monitoring wells at its former B.F. Goodrich facility, under the direction of US EPA. The upgradient monitoring well was non-detect for perchlorate and TCE, and perchlorate and TCE were detected in the three downgradient monitoring wells at concentrations as high as 290 ppb and 54 ppb, respectively. A report on the results of the ground water investigation is expected to be available in February 2005.

Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. On November 8, 2004, the Court granted Emhart's request for a Writ of Mandate, thereby invalidating the Investigation Order.

A further update regarding staff's activities related to Emhart will be presented at the Board meeting.